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EXAMINER
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VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/876,550	DEAVILA, PERICLES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frank Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-23, 25-37, 40, 41, 119, 122, 123, 126-148, 150, 152 and 153 is/are pending in the application.
- 4a) Of the above claim(s) 40 and 41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 119, 122, 123, 126-133, 135-148 and 150 is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-23, 25-37, 134, 152, 153 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **Continued Examination**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 24, 2006 has been entered.

### **Status of Application**

2. Applicant's amendment, filed May 24, 2006, has been entered in the application. Claims 1-12, 14-23, 25-37, 40, 41, 119, 122, 123, 126-148, 150, 152, 153 are pending. Claims 13, 38, 39, 42-118, 120, 121, 124, 125, 149 and 151 are canceled, claims 40 and 41 are withdrawn from consideration.

### **Claim Rejections - 35 USC 112**

3. Claims 134, 152 and 153 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 134, line 2, "the quick connect fitting" lacks a clear antecedent basis. Note that claim 134 depends from claim 119, not claim 133. In claim 152, lines 2-3 and 5-6, it is not clear what items are or are not being referred to, and further it is not clear what particular standards are being referenced.

### **Claim Rejections - 35 USC 103**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-5, 7, 21, 22, 25, 26, 30-31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. (US 5,975,660). Pool teaches a self-contained cart for carrying health and safety items, having a shell with a base (12), a top (90), a plurality of vertical walls (44) having flat sides suitable for display purposes, a plurality of horizontal walls (30, 50, etc.), movable divider elements (72, 74) a pivotable table (32), a plurality of selectively removable doors (24, 48) which are hingedly coupled with the cart and which, when open, allow a user to determine what is stored in the cart, a water supply (62), a waste water disposal tank (60), both of which

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tanks having a degree of flexibility, the supply connected to a spigot (58) which is positioned above- and which supplies water to- a sink (52) positioned in a recess (at 50) formed within at least one, if not more, wall(s) (in this case, at least 42, 44, 46), with the supply and waste tanks positioned in a lower recess (see fig 3), the sink connected to the waste tank with tubing (figure 3), the cart taught to be constructable out of a plastic (col. 7, lines 23-24), a plurality of caster wheels (14), at least two of which are capable of being moved to an infinite number of positions, and handles (28a, 48a) which allow a user to manipulate the cart, and which would additionally allow a user to carry or tilt the cart, the cart further containing a battery power supply (68), plurality of pumps (64) in fluid connection with a plurality of fluid sources including the water source (62), at least a heater (col. 5, lines 43-46) for heating a supply of water, further pumps (64) being arranged for the distribution (through further spigots 58) of lotion and soap, the cart further containing a cup dispenser (92), and being capable of carrying a radio communications device (102) within a housing portion (104). The reference to Pool fails to teach the provision of at least one door including a recessed portion having an insert. Tisbo et al. teach a door structure for a modular cabinet wherein the door (e.g., 28, see figure 2) includes an interior recessed portion (formed by the edges of the door) in which a plurality of inserts are located (at least six of which shown in association with door 28) for enhancement of the door's structural rigidity. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least one door taught by Pool with a recess/insert arrangement as taught by Tisbo et al. for the purpose of providing a stronger door than would be had with panel-type construction.

As regards the ability of a door to function as a stretcher, to the breadth of the recitation, the doors can be used as a stretcher to support a person, or as a table if removed from the cart, to the breadth claimed and indeed there is no disclosure in Pool which limits the doors from performing such functions.

Claim 2- The reference to Pool as modified by Tisbo et al. is discussed in detail above and fails to teach the provision of the vertical and horizontal walls as integrally molded. It is old and well known to make an integrated element from plural taught elements for the purpose of reducing manufacturing costs and steps, and in view of Pool teaching

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the cart as optionally being made from plastic, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the vertical and horizontal walls from a single plastic element for the purpose of reducing manufacturing costs.

Claim 4- The reference to Pool as modified by Tisbo et al. fails to teach window portions in the doors. It is very old and well known to make doors with built in windows for the purpose of allowing a user to see through a portion of the door, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide windows in the doors in the cart of Pool as modified by Tisbo et al. for the purpose of allowing a user to see through at least a portion of the doors.

Claim 7- The reference to Pool as modified by Tisbo et al. fails to teach a further centered pair of caster wheels. To duplicate or multiply parts to enhance the effectiveness of an arrangement is not deemed to be beyond the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a further pair of wheels as taught by Pool as modified by Tisbo et al., in a central location, to provide a more even load distribution.

Claim 30- The reference to Pool as modified by Tisbo et al. fails to teach further dispensers for tissue and eye-glass cleaners. In view of the use of the cart to Pool as being directed to medical hygiene, it is not considered to be beyond the skill of the ordinary practitioner to provide dispensers for further cleaning implements, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a dispenser for tissue and glasses cleaners for the purpose of allowing the cleaning of everyday items, such as eyeglasses, often encountered in a hospital space, and to locate such dispensers in positions easily accessed by a user of the cart.

Claim 36- The reference to Pool as modified by Tisbo et al. fails to specifically teach the provision of a first aid kit. In view of the use of the cart in a health-care environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a first aid kit on the cart to allow a user to administer first aid from the cart directly.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. and Rigo (US 5,820,143). The reference to Pool is discussed above

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and fails to teach the provision of a flange element with an aperture which accommodates a ground engaging element which may be used to hold the cart in place and support it otherwise. Rigo teaches a cart having casters (48) and plural flanges (bottoms of 54), positioned along one side of the cart, with an aperture therein (figure 4) through which is engaged a threaded fastener which mounts a ground-engaging element (56) which may serve to hold the cart in place on a ground surface, and support the cart on other surfaces. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the flanges and ground engaging elements taught by Rigo to at least one side of the cart of Pool as modified by Tisbo et al. for the purpose of allowing the cart to be held in place on a ground surface, if desired.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. and Walker (US 4,625,949). The reference of Pool as modified by Tisbo et al. is discussed above and fails to teach the provision of a lifting element in the form of an eyelet at the top of the cart, connected to a suspension rod extending through the top and base, and connected to a support member at the base of the shell. Walker teaches a wheeled cart having a lifting element including an eyelet (70) connected to a rod (69) which extends down to the base of the cart, and supports the cart base (43) through a support element (72, 73). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Tisbo et al. with the lifting provision taught by Walker for the purpose of allowing the cart to be easily machine moved, for example, when desiring to shift the cart from one level to another.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. and Kos (US 5,833,330). The reference of Pool as modified by Tisbo et al. is discussed above and fails to teach the provision of a transparent sheet on one of the vertical walls, for allowing printed matter to be viewed through the sheet. Kos teaches an assembly with a vertical wall (e.g., 110), which is provided with a transparent sheet (130) for allowing printed matter (145, 150) to be viewed there-through. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a transparent sheet as taught by Kos to a vertical wall of the cart

taught by Pool as modified by Tisbo et al. for the purpose of allowing printed matter to be viewed without damaging it.

9. Claims 11, 12, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. and Cox (US 5,518,258). The reference of Pool as modified by Tisbo et al. is discussed above and fails to teach the doors as being pivotally mounted to the cart to perform as a table or seat, including folding leg portions, or usable as a free standing table. Cox teaches a portable cart having a wheeled base, and door portions (38, 46, 50) which cover storage portions (20) of the cart, wherein the portions may be deployed so as to be pivoted from the cart (figure 7- 46, 50) or removed from the cart (38, figure 7), including extensible, pivotal legs (e.g., 52, 56), forming slats to the degree claimed, which are attached both to the door portions of the cart and the side portions of the cart (when the door portions are folded), the portions usable as tables or for a seat at a table height. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Tisbo et al. with the folding portions taught by Cox and usable as a table or seat for the purpose of allowing a greater amount of working space to the user of the cart.

10. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al., Cox and Insalaco et al. (US 5,605,344). The reference of Pool as modified by Tisbo et al. and Cox is discussed above and fails to teach at least one other of the door portions as having a further hingedly attached movable portion which may be deployed. Insalaco et al. teach a door structure having a first part (e.g., 58) and a second part (e.g., 60) which parts are foldable with respect to one another. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide one of the door structures taught by Pool and modified by Tisbo et al. and Cox as a pair of pivotally connected portions as taught by Insalaco et al. for the purpose of allowing the doors to be folded to a compact configuration when open.

11. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al., and Stein (US 6,296,626, filed 11/1998). The reference of Pool as modified by Tisbo et al. is discussed above and fails to teach an eyewash connected to the cart, receiving water from a water supply, and including a water waste

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collection, utilizing gravity-feed flow, and being pivotable from a stowed to a deployed condition, with either a frictional device or catch to hold the eyewash in a stowed position. Stein teaches an eyewash apparatus including a gravity feed supply (14) a shell (12/16) and pivotable eyewash mechanism (42) which pivots from a stowed position against the shell (figure 4) to a use position (figure 5), and is maintained in the stowed position absent manipulation from a user by a latch (56, 58) which has a detent and frictional engagement, the eyewash of Stein being provided with an outlet (32) which allows waste wash to be carried away. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Tisbo et al. with an eyewash station as taught by Stein for the purpose of allowing a user to clear harmful materials from the user's eyes, further it would have been obvious to connect the outlet taught by Stein with the waste water collection portion taught by Pool for the purpose of consolidating waste materials generated at the cart.

12. Claims 23, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. and Silva (US 4,998,302). The reference of Pool as modified by Tisbo et al. is discussed above and fails to teach a supply system including plural tanks allowing the supply and mixing of heated and unheated water, a light, a warning light, and a connection to an external power source. Silva teaches a cart having a first (16) unheated supply and a second (17) heated supply of water, heated by a heating device (56), which may be mixed (19, 29), a connection to an electrical supply (50, 51), an illumination light (55) and warning lights (59, 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Tisbo et al. with plural water supplies and a mixing device as taught by Silva for the purpose of allowing a user to access both hot and cold water, similarly it would have been obvious to provide a connection to an external electrical source for the purpose of charging the battery, and not draining the battery when a fixed current source is available. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with illumination so as to allow a user improved lighting around the cart, and it would have been obvious to



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provide warning lights to indicate the approach of an undesirable condition in the water supplies.

13. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al. and Cox (US 6,220,610, filed 5/1999, 5/1998). The reference of Pool as modified by Tisbo et al. is discussed above and fails to teach the provision of a drinking water supply and spigot, with a gravity feed. Cox ('610) teaches a wheeled cart which is provided with a gravity-feed tank (14) having a spigot (34) for dispensing drinking water. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Tisbo et al. with a gravity feed drinking water supply and spigot as taught by Cox for the purpose of allowing a separate distribution of drinking water from the cart.

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al., Cox ('610) and Haley (US 6,131,929, filed 6/1998). The references of Pool, Tisbo et al. and Cox ('610) are discussed above and fail to teach a refrigeration unit for cooling the drinking water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Tisbo et al. with a refrigeration device as taught by Haley for the purpose cooling a water supply in the cart of Pool as modified by Cox, for example to facilitate the provision of chilled water. While the reference of Haley fails to specifically teach the location of the refrigeration unit, for the purpose of chilling a water supply, it would have been considered obvious to one of ordinary skill in the art at the time of the invention to locate the unit between a supply of water and the device for dispensing it in order to achieve a desired degree of cooling.

15. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tisbo et al., Walker, Silva and Stein. The reference of Pool as modified by Tisbo et al. and Walker is discussed above and fails to teach the provision of a heating device and lights. Silva teaches a cart having a first (16) unheated supply and a second (17) heated supply of water, heated by a heating device (56), an illumination light (55) and

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warning lights (59, 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Walker with plural water supplies including at least a heated supply, as taught by Silva for the purpose of allowing a user to access both hot and cold water. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Walker with illumination as taught by Silva so as to allow a user improved lighting around the cart. The reference to Pool as modified by Walker and Silva fails to teach an eyewash connected to the cart, receiving water from a water supply, and including a water waste collection. Stein teaches an eyewash apparatus including a supply (14) a shell (12/16) and pivotable eyewash mechanism (42), the eyewash of Stein being provided with an outlet (32) which allows waste wash to be carried away. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Walker and Silva with an eyewash station as taught by Stein for the purpose of allowing a user to clear harmful materials from the user's eyes, further it would have been obvious to connect the outlet taught by Stein with the waste water collection portion taught by Pool as modified by Walker and Silva for the purpose of consolidating waste materials generated at the cart. While the reference to Stein fails to teach the eyewash supply as being derived from the supply taught by Pool as modified by Walker and Silva, it would have been obvious to one of ordinary skill in the art at the time of the invention to couple the eyewash to the supply taught by Pool for the purpose of allowing both systems to use the same supply.

16. Claims 152 and 153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox (US 5,518,258). Pool teaches a self-contained cart for carrying health and safety items, having a housing shell with a base (12), a top (90), a plurality of vertical walls (44) having flat sides suitable for display purposes, a plurality of horizontal walls (30, 50, etc.), movable divider elements (72, 74), forming a plurality of compartments, a plurality of selectively removable doors (24, 48) which are hingedly coupled with the cart, a water supply tank (62), a waste water disposal tank (60), the cart further being capable of carrying a radio communications device (102) within a housing portion (104). The reference to Pool fails to teach the doors as able to perform

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as a table, including folding leg portions, or usable as a free standing table. Cox teaches a portable cart having a wheeled base, and door portions (38, 46, 50) which cover storage portions (20) of the cart, wherein the portions may be deployed so as to be pivoted from the cart (figure 7- 46, 50) or removed from the cart (38, figure 7), including extensible, pivotal legs (e.g., 52, 56), which are attached both to the door portions of the cart and the side portions of the cart (when the door portions are folded), the portions usable as tables. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the doors of the cart of Pool with the folding portions taught by Cox and usable as a table or seat for the purpose of allowing a greater amount of working space to the user of the cart.

#### **Allowable Subject Matter**

17. Claims 119, 122, 123, 126-133, 135-148, 150 are allowed.
18. Claim 134 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### **Response to Comments**

19. Applicant's comments, filed with the amendment, have been carefully considered. As regards the reference to Pool teaching the various added limitations including a recess and inserts (claim 1), the multi-portion folding arrangement (claim 119) and the leg portions (claim 152), the examiner agrees that the reference to Pool, as a base reference, lacks certain of these limitations. Note the references to Tisbo et al. and Cox (both of record), which teach certain of the limitations applicant has added to the claims. Note that the prior art does not appear to teach the subject matter of claim 119 (and its dependent claims). As regards claim 37, the examiner notes that sub portions (i) and (ii) are presented in the alternative - see "or" before "(ii)" at line 7.

#### **Conclusion**

20. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for

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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



6/20/06